

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

BOARD OF TRUSTEES OF THE AFTRA  
RETIREMENT FUND, in its capacity as a fiduciary of  
the AFTRA Retirement Fund, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

Consolidated as  
No. 09-cv-00686 (SAS) (DF)  
ECF Case

BOARD OF TRUSTEES OF THE IMPERIAL  
COUNTY EMPLOYEES' RETIREMENT SYSTEM, in  
its capacity as a fiduciary of the Imperial County  
Employees' Retirement System, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

THE INVESTMENT COMMITTEE OF THE  
MANHATTAN AND BRONX SURFACE TRANSIT  
OPERATING AUTHORITY PENSION PLAN, in its  
capacity as a fiduciary of the MaBSTOA Pension Plan,  
individually and on behalf of all others similarly situated,

Plaintiff,

v.

JPMORGAN CHASE BANK, N.A.,

Defendant.

**PLAINTIFFS' MOTION FOR FINAL APPROVAL OF SETTLEMENT,  
APPROVAL OF CLASS NOTICE AND APPROVAL OF PLAN OF ALLOCATION**

The Board of Trustees of the AFTRA Retirement Fund (“AFTRA”), the Board of Trustees of the Imperial County Employees’ Retirement System (“ICERS”), and the Investment Committee of the Manhattan and Bronx Surface Transit Operating Authority Pension Plan (“MaBSTOA”), in their respective capacities as fiduciaries of the AFTRA Retirement Fund, the Imperial County Employees’ Retirement System and the MaBSTOA Pension Plan (collectively, the “Named Plaintiffs” or “Plaintiffs”), respectfully move this Court for an Order finally approving the proposed Settlement of this Action.

In order to comply with Federal Rule of Civil Procedure 23 and the requirements of due process, Plaintiffs respectfully suggest implementation of a simple multi-step process, including:

1. Granting final approval of the Settlement of this Action;
2. Approving Class Notice; and
3. Approving the proposed Plan of Allocation.

A copy of the Stipulation<sup>1</sup> is attached as Exhibit 1 to the Declaration of Peter H. LeVan, Jr. (“LeVan Decl.”) in Support of Plaintiffs’ Motion for Final Approval of Settlement, Approval of Class Notice and Approval of Plan of Allocation. A proposed Judgment is attached to the Stipulation as Exhibit D.

A copy of Plaintiffs’ proposed Plan of Allocation is attached as Exhibit 2 to the LeVan Declaration.

WHEREFORE, Plaintiffs respectfully request that the Court grant their Motion for Final Approval of Settlement, Approval of Class Notice and Approval of Plan of Allocation, and such other relief as the Court deems appropriate.

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<sup>1</sup> All capitalized, undefined terms used herein shall have the meaning ascribed to them in the Stipulation filed contemporaneously herewith.

Dated: May 7, 2012

Respectfully submitted,

**KESSLER TOPAZ  
MELTZER & CHECK, LLP**

/s/ Peter H. LeVan, Jr.

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